

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TERENCE ROBINSON, #225678,

Petitioner,

v.

CASE NO. 10-CV-12267
HONORABLE MARIANNE O. BATTANI

NICK LUDWICK,

Respondent.

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ORDER DISMISSING CASE

This is a habeas case brought pursuant to 28 U.S.C. § 2254. Michigan prisoner Terence Robinson (“Petitioner”) challenges his convictions and sentences for two counts of first-degree criminal sexual conduct which were imposed following a no contest plea in the Oakland County Circuit Court in 2007.

Petitioner has already filed a habeas action challenging the same convictions with this Court, which is currently pending before another district judge. *See Robinson v. Ludwick*, Case No. 10-CV-12206 (Borman, J.). Accordingly, the instant action must be dismissed as duplicative. A suit is duplicative, and subject to dismissal, if the claims, parties, and available relief do not significantly differ between the two actions. *See, e.g., Barapind v. Reno*, 72 F. Supp. 2d 1132, 1145 (E.D. Cal. 1999) (internal citations omitted). The instant action is duplicative of his pending first habeas petition. In fact, it appears that Petitioner may have been attempting to file the instant pleadings to correct filing deficiencies in his original habeas action, but the documents were filed as a new case. In any event, because Petitioner challenges the

same convictions in both petitions and raises similar claims, the Court will dismiss this second petition as duplicative. *See Harrington v. Stegall*, 2002 WL 373113, *2 (E.D. Mich. Feb. 28, 2002); *Colon v. Smith*, 2000 WL 760711, *1, n. 1 (E.D. Mich. May 8, 2000); *see also Davis v. United States Parole Comm'n*, 870 F.2d 657, 1989 WL 25837, *1 (6th Cir. March 7, 1989) (district court may dismiss a habeas petition as duplicative of a pending habeas petition when the second petition is essentially the same as the first petition).

Accordingly, the Court **DISMISSES** the instant case as duplicative. This dismissal is without prejudice to the habeas petition filed in Case No. 10-CV-12206. The pleadings and filing fee submitted for this case shall be considered submitted as part of Case No. 10-CV-12206. This case is closed.

IT IS SO ORDERED.

s/Marianne O. Battani
MARIANNE O. BATTANI
UNITED STATES DISTRICT JUDGE

Dated: June 21, 2010

CERTIFICATE OF SERVICE

I hereby certify that on the above date a copy of this Order was served upon the Petitioner via U.S. Mail and electronic filing.

s/Bernadette M. Thebolt
Case Manager